

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of:

Telephone Number Portability

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CC Docket No. 95-116

COMMENTS OF T-MOBILE USA, INC.

T-Mobile USA, Inc. ("T-Mobile") submits these comments in response to the Federal Communications Commission's ("FCC" or "Commission") May 22, 2003 public notice requesting comment on the Cellular Telecommunications & Internet Association ("CTIA") petition seeking a declaratory ruling on local number portability ("LNP") implementation issues.¹ T-Mobile respectfully requests the Commission to grant both this petition and CTIA's earlier petition to ensure that wireless LNP can be implemented in a manner that enhances competition by making it simple and easy for consumers to change carriers while retaining their numbers.

Wireless number portability can be implemented successfully only if the Commission promptly addresses the issues raised by CTIA's recent petitions and the three Wireless Wireline Integration Reports of the North American Numbering Council ("NANC") (collectively, the "*NANC Reports*"). Congress required LECs to provide LNP in order to eliminate a competitive barrier to competition, and the Commission extended this requirement to wireless carriers for the same reason. However, implementation of wireless LNP will actually create competitive barriers unless the Commission resolves the long-standing disputes detailed in CTIA's petitions and the *NANC reports*. Specifically, forcing carriers to implement wireless LNP without Commission-endorsed guidelines will result in consumer confusion and complaints, service degradation, and

¹ Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association (filed May 13, 2003) ("*CTIA Petition*").

unnecessary costs and burdens. The Commission must act quickly to provide the guidance necessary to overcome the current impasse that is preventing the successful implementation of wireless LNP. Therefore, T-Mobile urges the Commission to adopt guidelines that resolve all current disputes and open issues by September 1, 2003.

I. THE WIRELESS INDUSTRY HAS WORKED DILIGENTLY TO ENABLE THE SUCCESSFUL IMPLEMENTATION OF WIRELESS LNP

In order to facilitate the successful implementation of wireline LNP, the Commission adopted the recommendations of the NANC in the *LNP Second Report and Order*.² The Commission explicitly recognized that these recommendations focused solely on wireline LNP, and thus that “it will probably be necessary to modify and update the current LNP standards and procedures in order to support wireless LNP”.³ Accordingly, the Commission directed the NANC to develop standards and procedures necessary to provide for CMRS participation in LNP.⁴

The wireless industry has worked diligently to develop wireless LNP standards that satisfy wireless customers’ expectations of convenience and immediate service activation while remaining efficient and cost effective for carriers. On August 18, 1998, CTIA held a Wireless Number Portability Forum where it presented a 121-page report describing the key issues, impacts, and basic requirements necessary to meet the LNP mandate. On February 16, 1999, based upon the wireless industry’s proposal, the NANC approved the formation of the Wireless Number Portability Sub-Committee (“WNPSC”) to address means for successfully implementing wireless LNP. In response to this mandate, the WNPSC and CTIA developed (1) guidelines for wireless

² See *Telephone Number Portability*, 12 FCC Rcd 12281 (1997) (“*LNP Second Report and Order*”).

³ *Id.* at ¶ 14.

⁴ See *id.* at ¶ 91 (directing the NANC to ensure that CMRS providers are not unfairly disadvantaged by virtue of the fact that wireline LNP was before wireless LNP).

LNP,⁵ (2) a standardized and automated Inter-carrier Communication Process (“ICP”) for processing port requests,⁶ and (3) a baseline test plan to assist in inter-carrier testing.⁷

The WNPSC submitted its “WNP Guidelines Report” to the NANC at the July 2000 meeting. NANC approved the guidelines recommended in the report at its September 2000 meeting, and forwarded the guidelines to the Commission in fulfillment of the Commission’s directive that NANC develop wireless number portability standards.⁸ The guidelines, which represent consensus by the wireless industry, refer to the testing document and contains an appendix on the CTIA wireless ICP. The WNPSC then created the Wireless Number Portability Operations (“WNPO”) team to focus on addressing the wireless industry deployment issues so that implementation of wireless LNP would be a success. At every NANC meeting, the WNPO issues a report to the NANC and the Commission on its progress, recommendations and issues.

In short, the wireless industry has worked diligently for over four years to ensure the successful implementation of wireless LNP by recommending guidelines that will satisfy customers’ expectations while maintaining service quality and network reliability and by developing a standardized and automated ICP that will make wireless LNP more efficient and cost effective. In so doing, the wireless industry fulfilled completely the Commission’s direction to

⁵ See the North American Numbering Council (NANC) Wireless Number Portability Subcommittee (WNPSC) Report on Wireless Number Portability Technical, Operational, and Implementation Requirements, Phase II (2000) (filed in CC Docket No. 95-116 by NANC on September 26, 2000) (“Phase II Report”).

⁶ After the major wireless carriers reached consensus to support the CTIA ICP, the document, which is now referred to as the “Wireless Intercarrier Interface Specifications (WICIS),” was turned over to the ATIS-sponsored Ordering and Billing Forum (“OBF”) for maintenance and upgrades.

⁷ See, e.g., WNP Inter-Carrier Test Specifications, available at http://www.atis.org/pub/clc/obf/wireless/2.0_WLNP_IC_Test_Template_inprocess.doc. (current version of the document, which is being constructed under the guidance of OBF).

⁸ See Letter from John R. Hoffman, NANC Chair, to Dorothy Attwood, Chief of the Common Carrier Bureau, FCC, dated September 26, 2000 (filed in CC Docket No. 95-116).

develop wireless guidelines. The wireless industry, like consumers and the telecommunications industry as a whole, now needs the Commission to adopt wireless LNP guidelines.

II. COMMISSION-ENDORSED LNP GUIDELINES ARE NECESSARY FOR THE SUCCESSFUL IMPLEMENTATION OF WIRELESS LNP

Wireless LNP, if implemented correctly, could enhance competition by making it easier and less costly for customers to change carriers while retaining their numbers.⁹ If wireless LNP is implemented incorrectly, however, it will harm competition by significantly increasing costs – which customers ultimately pay – without making it easier for customers to change carriers.

The current impasse over wireless LNP will not be overcome without direct intervention by the Commission. The disputes that led to the impasse have existed since 1998, and the industry has failed repeatedly to reach consensus on their resolution despite years of meetings and negotiations on these issues. In 1998, the NANC first reported to the Commission that the Local Number Portability Administration Working Group (“LNPAWG”) and NANC could not reach consensus on the rate center disparity issue¹⁰ or the porting interval issue.¹¹ The NANC again reported to the Commission in 1999 that the industry could not reach consensus on the rate center disparity issue¹² or the porting interval issue.¹³ In 2000, NANC repeated its concerns to the

⁹ The Commission ordered wireless carriers to implement LNP based on its findings that wireless LNP would (1) enhance competition between wireless carriers, (2) promote competition between wireless and wireline carriers, and (3) have an impact on the efficient use and uniform administration of the numbering resource. *See, e.g., Verizon Wireless’s Petition for Partial Forbearance*, 17 FCC Rcd 14972, ¶ 2 (2002).

¹⁰ *See North American Numbering Council Local Number Portability Administration Working Group Report on Wireless Wireline Integration*, May 8, 1998, CC Docket No. 95-116, at 7 (filed May 18, 1998) (“NANC First Report”).

¹¹ *Id.* at 10-13.

¹² *See North American Numbering Council Local Number Portability Administration Working Group Second Report on Wireless Wireline Integration*, June 30, 1999, CC Docket No. 95-116, at 28 (filed Nov. 4, 1999) (“NANC Second Report”).

¹³ *Id.* at 7-14.

Commission, emphasizing the need for Commission action because the industry still could not reach consensus on the rate center disparity issue¹⁴ or the porting interval issue.¹⁵ The comments filed in response to CTIA's petition regarding the rate center disparity and portability agreement issues confirm that Commission action is necessary to resolve these disputes.¹⁶ The issues are well-known, the parties are firmly entrenched, and further negotiation will not lead to consensus, despite the added pressure of the impending November 24, 2003 deadline.

The Commission must provide the same type of guidance for implementation of wireless LNP as it provided for implementation of wireline LNP. NANC submitted its report on wireline LNP to the Commission in May 1997, which the Commission addressed in its July 1997 Report and Order.¹⁷ In August 1997, the Commission adopted the recommendations of the NANC as set forth in the Working Group Report, with certain modifications.¹⁸ The Commission's prompt guidance was crucial to the successful implementation of wireline LNP. By contrast, NANC has submitted its wireless LNP recommendations to the FCC three times since 1998,¹⁹ and the FCC has yet to address the issues raised by the recommendations in 2003, with less than six months until the implementation deadline. As a consequence of the Commission's failure to address NANC's recommendations on wireless LNP, carriers are unable to negotiate business

¹⁴ See *North American Numbering Council Local Number Portability Administration Working Group Second Report on Wireless Wireline Integration*, September 30, 2000, CC Docket No. 95-116, at 19 (filed Nov. 29, 2000) ("*NANC Third Report*").

¹⁵ *Id.* at 8-15.

¹⁶ See *Comment Sought on CTIA Petition for Declaratory Ruling that Wireline Carriers Must Provide Portability to Wireless Carriers Operating Within Their Service Areas*, CC Docket No. 95-116, *Public Notice*, 18 FCC Rcd 832 (2003); see *Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association* (filed Jan. 23, 2003) ("*Rate Center Petition*").

¹⁷ *Telephone Number Portability*, 11 FCC Rcd 8352 (1997) ("*LNP First Report and Order*").

¹⁸ See *LNP Second Report and Order* at ¶¶ 54-82.

¹⁹ See *NANC First Report*; *NANC Second Report*; *NANC Third Report*.

arrangements to support wireless portability, to deploy systems with inherent timing intervals, and to resolve disputes between carriers, all of which are necessary to ensure that consumer expectations are met and competition is enhanced to the greatest extent possible. Accordingly, the implementation of wireless LNP will be a failure unless the Commission acts now to adopt wireless LNP guidelines.

In order to remove competitive barriers and facilitate consumer choice, all carriers must comply with wireless LNP guidelines that are just and reasonable. The guidelines must be in place to ensure that implementation is possible and that certain key issues, especially those addressing the porting interval, rate center disparities and porting agreements, are no longer obstacles to consumer choice and competition. The bottom line is that carriers cannot design and implement efficient LNP systems that enhance competition by making it simple and easy for customers to change carriers while retaining their numbers, if carriers do not know their obligations with respect to each other or to their customers. Competition will not be enhanced if consumers are confused about whether they will be able to keep their number when switching carriers. The current uncertainty must be resolved before wireless LNP can be implemented successfully as envisioned by Congress and the Commission.

III. THE LNP GUIDELINES MUST RESOLVE THE CURRENT IMPASSE REGARDING IMPLEMENTATION OF WIRELESS LNP

LNP guidelines will facilitate the successful implementation of wireless LNP only if they reflect Commission resolution of all the disputes that led to the current impasse over wireless LNP, and all carriers must comply with their requirements. T-Mobile addressed the rate center disparity and portability agreement issues in comments filed earlier this year,²⁰ and NANC, CTIA and other

²⁰ Comments of T-Mobile, CC Docket No. 95-116 (filed Feb. 26, 2003); Reply Comments of T-Mobile, CC Docket No. 95-116 (filed Mar. 13, 2003).

parties have discussed these and other open issues.²¹ T-Mobile supports the position of CTIA on these issues, all of which must be resolved before wireless LNP can be implemented successfully. However, T-Mobile focuses primarily on the porting interval dispute in these comments since this issue directly impacts consumers and the level of competition between wireless and wireline carriers.

T-Mobile urges the Commission to address the time interval in which intermodal and intramodal wireless ports must be completed and adopt a porting interval that promotes competition. Wireless carriers have reached consensus that wireless-to-wireless ports should be completed within two and one-half hours, with the expectation that the wireless-to-wireless port requests should be accepted or denied via the ICP within 30 minutes and activated in the NPAC within two hours.²² The major wireless carriers agreed to uniform standards in order to reduce costs and increase efficiency by facilitating automated portability systems. By contrast, wireline-to-wireline ports take up to four business days or longer to complete, and each wireline carrier has implemented different porting mechanisms and procedures. Consequently, wireless carriers must accommodate multiple versions of the wireline ICP process to complete wireline-to-wireless ports, which unnecessarily increases the costs and burdens associated with portability.

The *NANC Third Report* concludes that the wireline industry must agree to automation and uniformity standards before the porting interval can be reduced.²³ The wireline carriers have refused to agree to common standards or to reduce their porting interval, which affects not only wireline-to-wireless ports but also wireless-to-wireless ports because some wireless carriers may

²¹ See, e.g., *NANC First Report*; *NANC Second Report*; *NANC Third Report*; *CTIA Rate Center Petition*; *CTIA Petition*.

²² See *NANC First Report* at 10.

²³ See *NANC Third Report*.

depart from the consensus wireless standards because wireline carriers allow much longer porting intervals and compliance with the consensus interval is not mandated by the Commission.

T-Mobile urges the Commission to impose a uniform intermodal porting interval and require all carriers – both wireline and wireless – to facilitate automated porting systems. A uniform porting interval and requirement that carriers facilitate automation would reduce the costs and burdens associated with number portability by increasing the efficiency of the porting process, which in turn would facilitate a significant reduction in the porting interval. Reducing the porting interval would increase the competitive benefits of number portability: the shorter the porting interval, the lower the disincentive for consumers to change carriers. Reducing the porting interval also would decrease the risk that an emergency call placed during the “mixed service” period will be misrouted. As CTIA explains more fully in its petition, “the pace of LEC efforts to complete a port, *i.e.*, the porting interval, will significantly affect the availability of critical E911 services to all consumers.”²⁴ Thus, the Commission should place a high priority on shortening the porting interval of wireline carriers to more closely match the porting interval that wireless carriers have agreed to implement.

In light of the consumer and pro-competitive benefits of shorter porting intervals, the Commission should reduce the intermodal porting interval. Although the wireline industry has refused to make any changes to integrate wireless LNP or establish a maximum porting interval, the intent of Alternatives in the *NANC Second and Third Reports* was to process the customer’s port request within 24 hours and activate the port in the NPAC within the next 24 hours to complete the port within two business days. If the Commission established the goal of completing intermodal ports within two business days, carriers could wait to initiate service until the port is

²⁴ See *CTIA Petition* at 11-13.

complete, which would mitigate the mixed service and emergency service problems. As explained in the *NANC Third Report*, wireless carriers today know only that the port could take a “minimum” of four business days. Therefore, the Commission could enhance competition and increase certainty for both consumers and carriers by establishing a maximum intermodal porting interval that is shorter than the current wireline minimum porting interval.

IV. TIME IS OF THE ESSENCE IF THE COMMISSION WANTS WIRELESS LNP TO BE IMPLEMENTED SUCCESSFULLY BY NOVEMBER 24, 2003

With the deadline for implementation of wireless LNP less than six months away, time is precious. Commission resolution of the long-standing disputes about the intermodal porting interval, rate center disparities, and SLAs is necessary to overcome the current impasse. Moreover, unless the Commission resolves all the open issues, it will continue to be extremely difficult for carriers to negotiate the business arrangements needed to support the successful implementation of wireless LNP. Demanding that carriers meet an arbitrary deadline²⁵ without providing, in a timely manner, the guidance necessary to implement wireless LNP successfully (*i.e.*, in a way that enhances consumer choice and competition without resulting in service degradation) would be inconsistent with the Act’s mandates and the Commission’s own policies.

In any event, given the nature of the disputes that led to the current impasse, the Commission eventually will be forced to resolve them even if carriers are required to meet the implementation deadline without Commission guidance. Specifically, the Commission will be forced to address the consumer complaints that will result from confusion and uncertainty about wireless LNP, as well as disputes between carriers over porting intervals, service degradation and porting eligibility. The Commission can avoid most of these negative consequences to consumers

²⁵ The November 24, 2003 deadline is not mandated by the Act.

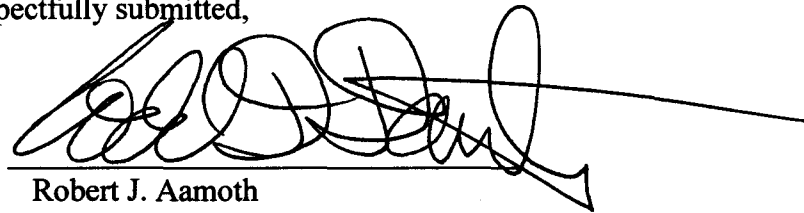
and carriers by adopting guidelines that resolve the current disputes before the implementation deadline. Therefore, T-Mobile urges the Commission to adopt guidelines resolving the disputed issues no later than September 1, 2003 and to consider the timeframes necessary to support the modifications required to implement those guidelines.

V. **CONCLUSION**

For the foregoing reasons, T-Mobile urges the Commission to grant the *CTIA Petition* consistent with the recommendations outlined above.

Respectfully submitted,

By:

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